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**PETITION FOR EXPRESS
ABANDONMENT TO AVOID
PUBLICATION UNDER 37 CFR 1.138(c)**

Fax the petition directly to the
Pre-Grant Publication Division at (703) 305-8568
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/622,560
Filing Date	July 18, 2003
First Named Inventor	Jerry ROTH
Art Unit	1646
Examiner Name	Unassigned
Attorney Docket Number	2103569-991100

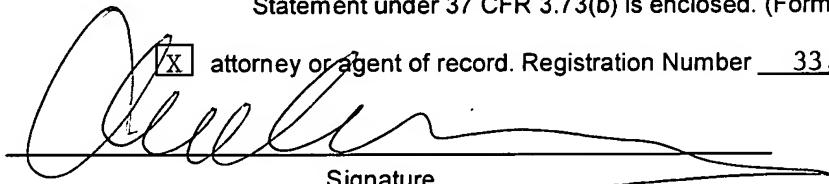
Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)

I hereby petition to expressly abandon the above-identified application to avoid publication.

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

- a. The Director is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.
- b. Check in the amount of \$ 130.00 is enclosed.
- c. Payment by credit card (Form PTO-2038 is enclosed).

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

I am the: applicant. assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) attorney or agent of record. Registration Number 33,9814 Nov 2004

Date

Dean H. Nakamura(202) 238-7725

Typed or printed name

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete if Known

Application Number	10/622,560
Filing Date	July 18, 2003
First Named Inventor	Jerry ROTH
Examiner Name	Unassigned
Art Unit	1646
Attorney Docket No.	2103569-991100

O I P E
NOV 04 2004
PATENTS TRADEMAKES

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account:

Deposit Account Number	07-1896
Deposit Account Name	GRAY CARY WARE & FREIDENRICH LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) under 1.16 or 1.17 during pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** = 0	X 0	= 0
Multiple Dependent	** = 0	X 0	= 0

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	Surcharge - late filing fee or oath	
		1052	50	Surcharge - late provisional filing fee or cover sheet	
		1053	130	Non-English specification	
		1812	2,520	For filing request for ex parte reexam	
		1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	Extension for reply within first month	
		1252	430	Extension for reply within second month	
		1253	980	Extension for reply within third month	
		1254	1,530	Extension for reply within fourth month	
		1255	2,080	Extension for reply within fifth month	
		1401	340	Notice of Appeal	
		1402	340	Filing a brief in support of an appeal	
		1403	300	Request for oral hearing	
		1451	1,510	Petition to institute a public use proceeding	
		1452	110	Petition to revive – unavoidable	
		1453	1,370	Petition to revive – unintentional	
		1501	1,370	Utility issue fee (or reissue)	
		1502	490	Design issue fee	
		1503	660	Plant issue fee	
		1460	130	Petitions to the Commissioner	130
		1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	180	Submission of Information Disclosure Stmt	
		8021	40	Recording each patent assignment per property (times number of properties)	
		1809	790	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	790	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	790	Request for Continued Examination (RCE)	
		1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Dean H. Nakamura	Registration No. Attorney/Agent)	33,981	Telephone	(202) 238-7725
Signature					Date

WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card Information and authorization on PTO-2038.

SEND TO: Commissioner for Patents, Alexandria, VA 22313-1450.



FILING RECEIPT

PLEASE DATE STAMP AND RETURN YELLOW SHEET TO:

Dean H. Nakamura
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036

In re application of:

ROTH et al.

Application No. 10/622,560

Confirmation No. 4821

Filed: July 18, 2003

For: TOPICAL SKIN CARE
COMPOSITION CONTAINING
PEANUT OIL

Group Art Unit: 1646

Examiner: (Unassigned)

Atty. Docket No. 2103569-991100

Customer No.

35928

35928

PATENT TRADEMARK OFFICE

PAPER(S) FILED ENTITLED:

1. Fee Transmittal
2. Petition for Express Abandonment to Avoid Publication under
37 CFR § 1.138(c)
3. Check No. 569245 in the amount of \$130.00

Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036
Telephone: (202) 238-7731
Facsimile: (202) 238-7701

DOCKET NO.: 2103569-991100
ATTORNEY/SEC: DNakamura/snelson

Date Filed: November 4, 2004